

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

BERT BERLANGER, in his capacity as	)	
Receiver for SWINGLE	)	
ENTERPRISES, LLC, d/b/a	)	
LAKEHURST APARTMENTS, an	)	
Oklahoma limited liability company,	)	CASE NO. CIV-18-314-D
	)	
Plaintiff,	)	Removed from the District
	)	Court of Oklahoma County,
v.	)	Case No. CJ-2018-938
	)	Hon. Aletia Haynes Timmons
PELEUS INSURANCE COMPANY, a	)	
foreign insurance company,	)	
	)	
Defendant.		

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441 and § 1446 and LcvR 81.2, Defendant Peleus Insurance Company (“Peleus”) hereby files this Notice of Removal. In support of this Notice of Removal, Defendant Peleus states the following:

1. Plaintiff brought an action against Defendant Peleus in Case No. CJ-2018-938, filed in the District Court of Oklahoma County, State of Oklahoma, styled *Bert Berlander, in his capacity as receiver for Swingle Enterprises, LLC, d/b/a Lakehurst Apartments v. Peleus Insurance Company*.

2. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332, and this lawsuit is one which may be removed to this Court by Defendant Peleus pursuant to the provisions of 28 U.S.C. § 1441.

3. Complete diversity of citizenship exists between Plaintiff and Defendant Peleus. For purposes of removal, the citizenship of the receiver governs for determining diversity jurisdiction. *See, e.g., Crawford v. Employers Reinsurance Corporation*, 896 F.Supp. 1101 (W.D. Okla. 1995). Bert Berlanger, Receiver for Swingle Enterprises, LLC d/b/a Lakehurst Apartments is a citizen of Oklahoma, where he resides. Defendant Peleus is an insurance company incorporated in the State of Virginia with its principal place of business in Virginia and is thus a citizen of Virginia for diversity jurisdiction purposes. Because Plaintiff is a citizen of Oklahoma and Peleus is a citizen of Virginia, there is complete diversity between the parties for purposes of this Court's diversity jurisdiction.

4. In its Petition, filed on February 15, 2018, Plaintiff seeks damages in excess of \$75,000.00, exclusive of interests and costs, which is in excess of the amount required for diversity jurisdiction pursuant to Title 28 Section 1332 of the United States Code.

5. Removal is appropriate in this matter because complete diversity exists between Plaintiff and the Defendant and Plaintiff seeks damages in excess of \$75,000.00, as required by 28 U.S.C. § 1332.

6. This Notice of Removal is timely filed under the provisions of 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days after the Defendant Peleus was served with process, including summons and a copy of the Petition, on March 8, 2018.

7. Pursuant to 28 U.S.C. § 1446 and LcvR 81.2, copies of all process, pleadings, and orders served upon Defendant Peleus, together with a copy of the docket sheet from the District Court of Oklahoma County, are attached hereto as Exhibits 1 through 7.

8. Defendant Peleus states that no motions are pending before the state court at the time of removal.

9. Contemporaneously with this filing, Defendant Peleus served a Notice of Filing Notice of Removal on Plaintiff's counsel and the Court Clerk of the District Court of Oklahoma County.

WHEREFORE, premises considered, Defendant Peleus respectfully requests that this Court remove the instant case from the District Court of Oklahoma County, State of Oklahoma, to the District Court of the United States for the Western District of Oklahoma.

Respectfully submitted,

By: /s/ C. William Threlkeld  
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**COUNSEL FOR DEFENDANT PELEUS  
INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

This will certify that on the 6th day of April, 2018, I electronically transmitted the foregoing to the Clerk of the Court using ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following recipients:

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/s/ C. William Threlkeld  
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